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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,741	11/20/2003	David G. Conroy	MSFT121951	8709

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EXAMINER

KEEFER, MICHAEL E

ART UNIT	PAPER NUMBER
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2454

NOTIFICATION DATE	DELIVERY MODE
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03/05/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/717,741	Applicant(s) CONROY ET AL.	
	Examiner MICHAEL E. KEEFER	Art Unit 2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5 and 31-53 is/are pending in the application.
- 4a) Of the above claim(s) 31-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed 11/26/2008.

Election/Restrictions

2. Newly submitted claims 31-53 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

- a. Claims 1, 2, 4, and 5 are Invention I, drawn to a message receiver with two memory portions integrated upon the message receiver, classified as 709/206.
- b. Invention II, claims 31-37, is drawn to a method comprising locating a manager, issuing a create transfer request, and associating the request with a URI, classified in 709/217.
- c. Invention III, claims 38-41, is drawn to a method of determining if there is an intermediary that intercepts a SOAP message, classified in 709/219.
- d. Invention IV, claims 42-51, is drawn to a method of parsing a SOAP message, classified in 709/230.
- e. Invention V, claim 52, is drawn to a system comprising a message receiver, sender, and intermediary, classified in 709/206.
- f. Invention VI, claim 53, is drawn to a message format for a SOAP message, classified 709/230.

3. Inventions I and II, III, IV, V, and VI are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as

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claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require "wherein the first memory portion and secondary memory portion integrate upon the message receiver", further, it does not even require a first and secondary memory portion. The subcombination has separate utility such as a system backup utility causing files to be copied into a backup memory address on a node.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

4. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 31-53 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Objections

5. Claim 1 is objected to because of the following informalities: in the last line of the claim, the word "secondary" should be deleted and replaced with the phrase --the second-- to improve the clarity of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "wherein the first and second memory portions integrate upon the message receiver" is not found in Applicant's original specification. The section Applicant points to, [0041] merely states that a node has pieces of memory and buffers. It does not state that a message receiver receives a message containing a reference to one of its own memory buffers to copy information from a first location in its own memory to a different location within its own memory.

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuzma in view of Bavadekar (US 2003/0009571).

Regarding **claim 1**, Kuzma discloses:

A message receiver comprising:

a reception device that receives a customizable, tag-based message that includes a reference to a first memory portion; and a message processor device that processes the reference in the customizable, tag-based message to cause a piece of information stored in the first memory portion to transfer to a second memory portion if the first memory portion contains the piece of information to be sent and the second memory portion acts as a repository for receiving the piece of information (Fig. 7 step 705-707 discloses a receiver processing the url and retrieving the file from the sender's buffer, this inherently includes an HTTP GET request to the email server including the URL of the attachment.)

Kuzma discloses all the limitations of claim 1 except and the piece of information stored in the second memory portion to transfer to the first memory portion if two conditions exist, which first condition specifies that the second memory portion contains the piece of information to be sent and which second condition specifies that the first memory portion acts as the repository for receiving the piece of information, wherein the first memory portion and the second memory portion integrate upon the message receiver.

The general concept of including a reference to a buffer to which data is to be sent in a message and the server moving a data file to be sent into another memory

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location before sending it is well known in the art as taught by Bavadekar. (see at least paragraph 90, which discloses a request for data being sent to a server, as the data is properly returned to the requestor, a place to send the data must inherently be included in the request. See also Figure 5B where Message 260A is moved into buffer 222 before it is sent back to the requestor.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Kuzma with the general concept of including a reference to a buffer to which data is to be sent in a message as taught by Bavadekar in order to provide reliable full duplex virtual connections between entities.

Regarding **claim 2, as applied to claim 1**, Kuzma discloses:

wherein the customizable, tag-based message includes a body element for containing data, the body element including the reference to the first buffer.
(Fig. 6, item 625)

Regarding **claim 4 as applied to claims 1**, Kuzma discloses:

wherein the customizable, tag-based message includes a header element for containing control information. (the message must inherently include a header specifying to whom the message is being sent (i.e. control information)

Regarding **claim 5 as applied to claims 1 and 4**, Kuzma discloses:

wherein the customizable, tag-based message is sent from the message sender to the message receiver via a customizable, tag-based protocol. (http is a customizable, tag-based protocol, Fig. 6, 610 and 620)

Response to Arguments

10. Applicant's arguments filed 11/26/2008 have been fully considered but they are not persuasive.

11. Applicant argues that neither Kuzma nor Bavadekar teach or disclose the limitation "wherein the first memory portion and the second memory portion integrate upon the message receiver". The Examiner disagrees. Kuzma discloses sending http get messages to retrieve attachments from emails (which must include the url of the item the sender is trying to retrieve). Bavadekar teaches an HTTP data server that takes information from storage and moves it into a sending buffer upon receiving a message that requests the data (See Figure 5B where Message 260A is moved into buffer 222 before it is sent back to the requestor.) Therefore, the combination of Bavadekar and Kuzma teaches the reception of a message containing a reference to a memory location on the server, and transferring information from that memory location to another memory location integrated upon the same device.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL E. KEEFER whose telephone number is (571)270-1591. The examiner can normally be reached on Monday through Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Dustin Nguyen/
Primary Examiner, Art Unit 2454